

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

CARL L. COLE,

Plaintiff,

-vs-

Case No. 05-73018  
Hon: AVERN COHN

GM RETIREMENT PROGRAM,  
GM LIFE & DISABILITY BENEFITS  
PROGRAM and GENERAL MOTORS  
CORPORATION,

Defendants.

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**ORDER OF BIFURCATION**

This is an ERISA case. Plaintiff's 1st Amended Complaint includes five counts:

- I. Denial of Benefits (Improper Recalculation)
- II. Denial of Benefits (Improper Set-Off for Receipt of Social Security Benefits)
- III. Failure to Comply With ERISA Disclosure Requirements
- IV. Failure to Comply With ERISA's Claims Procedures
- V. Violation of Truth in Lending Law

Count V has been withdrawn.

Counts I and II are to be decided on the administrative record and are the subject of a pending motion to affirm the administrator's decision.

Counts III and IV are BIFURCATED and must be separately adjudicated.  
Disposition prior to trial must be by summary judgment.

SO ORDERED.

s/Avern Cohn  
AVERN COHN  
UNITED STATES DISTRICT JUDGE

Dated: November 1, 2006

I hereby certify that a copy of the foregoing document was mailed to the parties of record on this date, November 1, 2006, by electronic and/or ordinary mail.

s/Julie Owens  
Case Manager, (313) 234-5160